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in cases of civil liability. A dictum in *Commonwealth v. Pierce*, 138 Mass. 165, urges that the conduct of a reasonably prudent man under like circumstances — an external standard — should be the test in criminal cases as well. The way seems clear to choose between these opposing views. It is essential in every common law crime that a *mens rea*, an evil state of mind, concur with a criminal act. To adopt the standard of the community as a measure of guilt would result in the conviction of many who believed they were doing their duty. However conscientious the purpose of an ignorant man, he would be punished merely because he was unfortunate enough to be lacking in ordinary prudence. No one who exercises his best judgment is a fit subject for indictment.

THE OWNERSHIP OF LAKE MICHIGAN. — The rule of the English common law, which gave to the riparian owners the soil beneath non-tidal rivers and all inland waters seemed scarcely applicable to the immense lakes of this country. And in regard to the rights of littoral owners on these inland seas, there has grown up a confused mass of law which is largely the result of local usage — in some jurisdictions the submerged soil goes entirely to the shore owner; in some his property reaches to low water; in others only to high water. The Illinois courts have declared that the soil beneath Lake Michigan belongs to the State — just as at common law the soil of the sea belongs to the crown — and the land of the littoral owner is bounded by high water. The United States Supreme Court in the case of *The Illinois Central Railroad Co. v. Illinois*, 146 U. S. 387, attempted to fasten an exception on this strict rule. That case seemed to declare — practically without authority — that the littoral owner had a right to wharf out into Lake Michigan for the purpose of navigation.

In the recent case of *Revell v. The People*, Chicago Legal News, Dec. 31, 1898, page 157, another analogous claim was made that a littoral owner had a right to build out piers into the lake to prevent the gradual erosion of his land. The Supreme Court of Illinois, however, denied the existence of such a right. They considered the Illinois Central case as discredited in *Shively v. Bowlby*, 152 U. S. 1, and refused flatly to follow it, laying down again the original rule that the State was the absolute owner of the submerged land. The adherence to the strict doctrine seems sound. It gives a definite and intelligible doctrine not likely to be the subject of litigation. It is a hardship that the shore owner may not wharf out to protect himself or to make his land valuable for shipping, especially as the damage from such acts is usually infinitesimal; on the other hand, it is clearly public policy that the State maintain final control of all public waters, and that its ownership be unhampered. The difficulties the question presents are legislative or executive rather than legal, to be met by a temperate administration of the absolute power, with discreet connivance at minor encroachments and a willingness to grant wharfing privileges, rather than by an intricate system of rights.

A CITIZEN'S PRIVILEGES AND IMMUNITIES. — The Federal Supreme Court has lately held invalid a clause of the Tennessee statute providing rules for the incorporation and regulation of certain foreign corporations. The objectionable clause made the property which the corporation held within the State primarily liable for debts due to residents of Tennessee.